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08/217,065 03/24/94 SIEFERT

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EXAMINER

BACKENSTOSE, J

ART UNIT

PAPER NUMBER

B3M1/0130

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2316

DATE MAILED:

01/30/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on ☐ This action is made final

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-14 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☐ Claims have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 1-14 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on , has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed , has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PART III EXAMINER'S OFFICE ACTION

1. General information:

Application serial number: 08/217,065
Applicant(s): Siefert
Title: "Automated Resource Management System"
Filing date: 1994 March 24
Subject: First Office Action
Paper number: 2
Examiner: Jon Backenstose
Date: 1996 January 5

2. Claims 1-14 are pending.

3. The applicant is reminded of the duty to disclose as set forth in 37 CFR § 1.56 (See MPEP § 609 and § 2002.03).

4. The applicant is requested to supply updated status of related applications.

5. Claims 1-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending application Serial No. 8/217,067. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following: all claims are provisionally rejected as noted in the following table.

<u>8/217,065</u>	<u>8/217,067</u>	<u>additional notes</u>
1-2	1 or 3	storing of PROFILES is obvious
as capability of storing of RESOURCES (217/067) would require		

capability of storing of PROFILESS

3	2	as for claims 1-2
4	3	as for claims 1-2
5	6	it is obvious to allow all
users access to all resources of a network as that is one of the		
reasons for a network - to allow better access to resources		
6	6	as for claim 5
7-8	6	obvious as boolean searching
(7) or delaying searches (8) is well-known in the art		
9-11, 14	9	as for claim 5
12	10	as for claim 11
13	9	as for claim 5

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. 35 USC § 103 which is the basis for all obviousness rejections in this office action reads as follows:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

7. Claims 1-3, 5-12 are rejected under 35 U.S.C. § 103 as being unpatentable over: Newmark, et al.; U.S. pat. 5,287,537;

"Distributed Processing System Having Plural Computers Each Using Identical Retaining Information To Identify Another Computer For

Executing A Received Command" in view of Khoyi, et al.; U.S. pat. 5,303,379; "Link Mechanism For Linking Data Between Objects And For Performing Operations On The Linked Data In An Object Based System".

Claim 1, independent: The "multiple SERVERS, each serving one or more PCs" is taught by Newmark, et al. (Newmark, et al., fig. 601 showing multiple computers servicing multiple users, also col. 95, lines 4-11, remote computers being servers in this passage). Newmark, et al. does not explicitly teach the other claim limitations.

Khoyi, et al. teach the following: The "means for allowing i) all PCs to store PROFILES of RESOURCES into a SERVER; and ii) all PCs to search all PROFILES" is taught by Khoyi, et al. who teach of users being able to access resources (Khoyi, et al., col. 25, lines 53-63) and that users can create their own resources or customize old ones (Khoyi, et al., figure 10A - see entry 718, also col. 25, lines 60-63).

One of ordinary skill in the art at the time of the invention would have added Khoyi, et al. to Newmark, et al. as Khoyi, et al. teaches the details of how resources can be added to servers.

Claim 2, a system according to claim 1, and further comprising: "c) means for allowing any PC to load a downloadable RESOURCE into its respective SERVER" is rejected as inherent as Khoyi, et al. teaches of resources being data, and data is inherently downloadable (Khoyi, et al., col. 11, lines 37-44).

Claim 3, a system according to claim 2, and further comprising: "d) means for allowing all PCs to download any RESOURCE contained in any SERVER" is rejected as inherent in Khoyi, et al. as a network is made of interconnected PCs or whatnot, the interconnections being means for downloading.

Claim 5, independent: The means "a) multiple LOCAL SERVERS, each serving one or more PCs" is taught by Newmark, et al. (Newmark, et al., fig. 601 showing multiple computers servicing multiple users, also col. 95, lines 4-11, remote computers being servers in this passage). Newmark, et al. does not explicitly teach the other claim limitations.

The "b) means for allowing i) all PCs to store PROFILES of RESOURCES into one or more REGIONAL SERVERS; and ii) all PCs to search all PROFILES" is taught by Khoyi, et al. who teach of users being able to access resources (Khoyi, et al., col. 25, lines 53-63) and that users can create their own resources or customize old ones (Khoyi, et al., figure 10A - see entry 718, also col. 25, lines 60-63).

Claim 6, independent: The means of "a) multiple SERVERS, i) each serving one or more PCs" is taught by Newmark, et al. (Newmark, et al., fig. 601 showing multiple computers servicing multiple users, also col. 95, lines 4-11, remote computers being servers in this passage). Newmark, et al. does not explicitly teach the other claim limitations.

The "ii) each storing a catalog of PROFILES, which describe RESOURCES" is taught by the "object table" (Khoyi, et al., fig.

6) which serves as a list of objects and their profiles. The "b) search means for allowing any PC to search any PROFILE contained in any SERVER" The "c) allowing a user to search, from a single site, all PROFILES" is also taught by Khoyi at col. 11, lines 37-44) which states "a profile is user-visible information about something" which implies that all users can view all profiles.

Claim 7, depending from claim 6, in which the search means allows Boolean key-word searching is rejected as well-known as boolean searching was well established and common in most searching environments at the time of the invention. Motivation to add it to the search strategy is that boolean searching is the industry-accepted standard for searching.

Claim 8, depending from claim 6, in which the search means allows a user of a PC to order a search of PROFILES to be done at a future time is rejected as obvious. Motivation to do so is that batching non-user intensive jobs reduces system load and allows the user to do more pressing work.

Claim 9, independent: The means of "a) maintaining the RESOURCES at multiple sites" is taught by Newmark, et al. (Newmark, et al., fig. 601 showing multiple computers servicing multiple users, also col. 95, lines 4-11, remote computers being servers in this passage). Newmark, et al. does not explicitly teach the other claim limitations.

The "b) maintaining PROFILES for the RESOURCES, each PROFILE containing information relating to its RESOURCE" is taught by Khoyi, et al. as "profiles" (Khoyi, et

al., col. 11, lines 37-44). The "c) allowing a user to search, from a single site, all PROFILES" is also taught by Khoyi at col. 11, lines 37-44) which states "a profile is user-visible information about something".

Claim 10, depending from claim 9, in which "d) some RESOURCES take the form of downloadable computer data" and "e) some RESOURCES take the form of information which is not downloadable" is rejected as well-known as not only data are resources, but physical objects are as well, each of which has its own 'profile' which would be necessary for system configuration. The physical objects would not be downloadable.

Claim 11, depending from claim 10, in which "f) some RESOURCES take the form of physical objects" is rejected as well-known as not only data are resources, but physical objects are as well, each of which has its own 'profile' which would be necessary for system configuration.

Claim 12, depending from claim 9, in which "some of the RESOURCES take the form of downloadable data, and further comprising d) means for allowing a user to download selected downloadable RESOURCES to the user's site" is rejected. Khoyi, et al. teach of data as resources (Khoyi, et al., col. 11, lines 37-44).

8. Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over: Newmark, et al.; U.S. pat. 5,287,537; "Distributed Processing System Having Plural Computers Each Using

Identical Retaining Information To Identify Another Computer For Executing A Received Command" in view of Khoyi, et al.; U.S. pat. 5,303,379; "Link Mechanism For Linking Data Between Objects And For Performing Operations On The Linked Data In An Object Based System" in view of East, et al.; U.S. pat. 5,187,790; "Server Impersonation Of Client Processes In An Object Based Computer Operating System".

Claim 4, depending from claim 1, and further comprising "c) means for storing a PROFILE which contains information about a user of a SERVER" and "d) means for restricting the user's access to RESOURCES, based on data contained in the user's PROFILE". is taught by East, et al. in the form of "access control list"s which tell which users may access an object (East, et al., col. 2, lines 27-35). One of ordinary skill in the art at the time of the invention would have combined East, et al. to Khoyi, et al. as East, et al. allows for security to be added to the system of Khoyi, et al., which is important in virtually all computer systems.

9. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over: Newmark, et al.; U.S. pat. 5,287,537; "Distributed Processing System Having Plural Computers Each Using Identical Retaining Information To Identify Another Computer For Executing A Received Command" in view of Khoyi, et al.; U.S. pat. 5,303,379; "Link Mechanism For Linking Data Between Objects And For Performing Operations On The Linked Data In An Object Based

System", in view of Employees of U. S. Patent And Trademark Office (hereafter USPTO); Text Search And Retrieval Reference Manual For The Automated Patent System (APS); U. S. Patent And Trademark Office; 1991 December 3.

Claim 7, depending from claim 6, in which the search means allows Boolean key-word searching is rejected as APS teaches of boolean searching (USPTO, section 2, page 1). Motivation to add it to Khoyi, et al. is that boolean searching is the industry-accepted standard for searching.

10. Claims 13-14 are rejected under 35 U.S.C. § 103 as being unpatentable over: Newmark, et al.; U.S. pat. 5,287,537; "Distributed Processing System Having Plural Computers Each Using Identical Retaining Information To Identify Another Computer For Executing A Received Command" in view of Khoyi, et al.; U.S. pat. 5,303,379; "Link Mechanism For Linking Data Between Objects And For Performing Operations On The Linked Data In An Object Based System" in view of Adiba, et al.; "Data Bases For Office Automation"; from Paredaens, ed.; Databases.; Academic Press; 1987.

Claim 13, depending from claim 9, A method according to claim 9, "in which all PROFILES are stored at a single site" is rejected as Adiba, et al. teaches of centralized storage of data (Adiba, et al., page 19). One of ordinary skill in the art at the time of the invention would be motivated to combine Adiba, et al. to Khoyi, et al. as Adiba, et al. discuss the complexities of


information storage not addressed by Khoyi, et al.


Claim 14, a method according to claim 9, "in which multiple collections of PROFILES are each stored at a different site, and each collection contains substantially all PROFILES" is taught by Adiba, et al. (Adiba, et al., page 19).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pitkin, et al.; U.S. pat. 5,341,477; "Broker For Computer Network Server Selection"

12. Any inquiry concerning this communication should be directed to Jon Backenstose at telephone number 703-305-9661. E-mail messages should be sent to backnsts@uspto.gov. Fax transmissions should be sent to Jon Backenstose, Art Unit 2316 at 703-305-9565.


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1996 January 5


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